

# **EXHIBIT A**



C O R P O R A T I O N S E R V I C E C O M P A N Y®

## Notice of Service of Process

null / ALL  
Transmittal Number: 15189421  
Date Processed: 05/24/2016

**Primary Contact:** Kate Jackson  
Cummins Inc.  
One American Square  
Suite 1800  
Indianapolis, IN 46282

---

**Entity:** Cummins Inc.  
Entity ID Number 2372506

**Entity Served:** Cummins, Inc.

**Title of Action:** Ross Mickealson vs. Cummins, Inc.

**Document(s) Type:** Summons/Complaint

**Nature of Action:** Discrimination

**Court/Agency:** Yellowstone County District Court, Montana

**Case/Reference No:** DV 16-0586

**Jurisdiction Served:** Montana

**Date Served on CSC:** 05/23/2016

**Answer or Appearance Due:** 21 Days

**Originally Served On:** CSC

**How Served:** Personal Service

**Sender Information:** Veronica A. Procter  
406-294-8915

---

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

**To avoid potential delay, please do not send your response to CSC**  
*CSC is SAS70 Type II certified for its Litigation Management System.*  
2711 Centerville Road Wilmington, DE 19808 (888) 690-2882 | [sop@cscinfo.com](mailto:sop@cscinfo.com)

Veronica A. Procter  
PROCTER LAW, PLLC  
2718 Montana Avenue, Suite 230  
P.O. Box 782  
Billings, Montana 59103  
Telephone: (406) 294-8915  
[vp@procterlawfirm.com](mailto:vp@procterlawfirm.com)  
*Attorney for Plaintiff*

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,  
YELLOWSTONE COUNTY

ROSS MICKEALSON, ) CAUSE NO. DV 16-0586  
 )  
 Plaintiff, ) Judge ROD SOUZA  
 )  
 vs. ) SUMMONS  
 )  
 CUMMINS INC., )  
 )  
 Defendant. <5C )

THE STATE OF MONTANA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT, CUMMINS, INC.:

You are hereby summoned to answer the Complaint and Demand for Jury Trial in this action which is filed in the office of the Clerk of this Court, a copy of which is herewith served upon you, and to file your answer and serve a copy thereof upon the Plaintiff's attorney within twenty-one (21) days after the service of Summons, exclusive of the day of service; and in case of your failure to appear or answer, judgment will be taken against you by default, for the relief demanded in the Complaint and Demand for Jury Trial.

1 WITNESS my hand and seal of the Court this 20<sup>th</sup> day of April, 2016.  
2

**KRISTIE LEE BOELTER**  
3 CLERK OF DISTRICT COURT

4 By: Dawn Sarnot

CLERK OF THE  
DISTRICT COURT  
Kosciusko, Indiana  
2015 FEB 20 PM 3 50  
FILED  
BY DEPUTY

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,  
YELLOWSTONE COUNTY

10 ROSS MICKEALSON, ) CAUSE NO. D V 16 - 0586  
11 )  
12 Plaintiff, ) Judge ROD SOUZA  
13 )  
14 vs. ) COMPLAINT AND DEMAND FOR  
15 ) JURY TRIAL  
16 CUMMINS INC., )  
17 )  
18 Defendant. )

18 COMES NOW the Plaintiff, Ross Mickealson, by and through his counsel of  
19 record, Veronica A. Procter of Procter Law, PLLC, and for his Complaint against  
20 Defendant Cummins, Inc., complains and alleges as follows:  
21

22 1. Plaintiff Ross Mickealson is a resident of Cascade County, Montana.  
23 2. Defendant Cummins, Inc., is foreign corporation based in Columbus, Indiana,  
24 but is licensed to do business with the Secretary of State for the State of  
25 Montana and has a location in Billings, Montana.  
26

3. Plaintiff worked for and was terminated by Defendant Cummins, Inc. in  
4. Billings, Montana.
5. Jurisdiction and venue is proper in this Court.
6. Defendant designs, manufactures, distributes and services diesel and natural  
7. gas engines and related technologies, including fuel systems, controls, air  
8. handling, filtration, emission solutions and electrical power generation  
9. systems.
10. Plaintiff was a successful Sales Representative for Cummins from 2012 until  
11. 2015.
12. Plaintiff's duties at Cummins, Inc. included, but were not limited to, Power  
13. Generation systems account management, project management, bid/spec  
14. work, and customer relations.
15. Plaintiff's sales territory encompassed Central and Eastern Montana and  
16. Northern Wyoming.
17. On November 11, 2014, while at the Cummins office, Plaintiff sustained an  
18. injury to his shoulder.
19. Plaintiff pursued treatment for his injury through worker's compensation.
20. Defendant became increasingly intolerant of Plaintiff's medical care, which  
21. continued into 2015, as his injury worsened.

1 12. In addition, in or our around March 2015, Defendant officially put Plaintiff in  
2 a new office that Plaintiff's co-workers labeled the "Al-Qaeda" room because  
3 of its small size and location.  
4

5 13. Plaintiff is claustrophobic, which posed an immediate problem, and the office  
6 also filled with exhaust fumes from the shop.  
7

8 14. Despite Plaintiff's repeated requests to Human Resources for reasonable  
9 accommodation with regard to his medical care and his office space, nothing  
10 was done.  
11

12 15. On March 17, 2015, Plaintiff utilized the internal grievance procedure at  
13 Cummins, Inc. to report the retaliation at the hands of management.  
14

15 16. On April 22, 2015, Plaintiff was terminated.  
16

17 17. On May 12, 2015, Plaintiff had surgery on his shoulder.  
18

19 18. Plaintiff reached maximum medical improvement on April 4, 2016.  
20

21 19. To date, Plaintiff has not obtained new employment, despite mitigation  
22 efforts.  
23

24 20. He suffered and continues to suffer damages for which he seeks full legal  
25 redress.  
26

27 **COUNT I: WRONGFUL DISCHARGE**  
28

29 21. Plaintiff incorporates by reference the allegations contained in Paragraph  
30 Nos. 1 through 20 as stated fully herein.  
31

1 22. Defendant's discharge of Plaintiff was wrongful because it was not for good  
2 cause, and Plaintiff had completed his probationary period. Defendant's  
3 conduct is in violation of Mont. Code Ann. § 39-2-904(2) because it lacked  
4 reasonable job-related grounds for termination.

5 23. Defendant's alleged reason(s) for terminating Plaintiff was false, whimsical,  
6 arbitrary, or capricious and unrelated to a legitimate business reason.

7 24. As a result of Defendant's wrongful conduct, Plaintiff suffered and continues  
8 to suffer damages for which he seeks full legal redress.

11 COUNT II: VIOLATION OF THE MONTANA HUMAN RIGHTS ACT

13 MONT. CODE ANN. § 49-2-101 ET SEQ

15 25. Plaintiff incorporates by reference the allegations contained in Paragraph  
16 Nos. 1 through 24 as stated fully herein.

17 26. The stated reasons for Defendant's conduct were not the true reasons of its  
18 decision to terminate Plaintiff, but rather pretext to hide its discriminatory  
19 animus.

21 27. The conduct of Defendant toward Plaintiff as described in the preceding  
22 paragraphs was unlawful because it discriminated against him on the basis of  
23 his disability(s).

25 28. As a direct and proximate result of Defendant's unlawful employment  
26 practices, Plaintiff has suffered emotionally.

1 29. Plaintiff has also suffered and continues to suffer damages, including back  
2 pay, front pay, retirement benefits, and other benefits and privileges of  
3 employment with Defendant.  
4

5 COUNT III: VIOLATION OF AMERICANS WITH DISABILITIES ACT

6 42 U.S.C. 126 ET SEQ

7 30. Plaintiff incorporates by reference the allegations contained in Paragraph  
8 Nos. 1 through 29 as stated fully herein.

9 31. The stated reasons for Defendant's conduct were not the true reasons of its  
10 decision to terminate Plaintiff, but rather pretext to hide its discriminatory  
11 animus.

12 32. The conduct of Defendant toward Plaintiff as described in the preceding  
13 paragraphs was unlawful and in violation of federal law due to Defendant's  
14 failure to provide reasonable accommodation with respect to Plaintiff's  
15 disabilities.

16 33. As a direct and proximate result of Defendant's unlawful employment  
17 practices, Plaintiff has suffered emotionally.

18 34. Plaintiff has also suffered and continues to suffer damages, including back  
19 pay, front pay, retirement benefits, and other benefits and privileges of  
20 employment with Defendant.

21     ///

1 WHEREFORE, Plaintiff prays judgment against Defendant as follows:

2 1. Plaintiff be awarded damages, in amounts to be determined at trial;

3 2. For the costs of suit herein;

4 3. For attorney fees;

5 4. For any such other and further relief as may be just and proper.

6  
7 RESPECTFULLY SUBMITTED this 20th day of April, 2016.

8  
9 PROCTER LAW, PLLC

10 11 By: 

12 VERONICA A. PROCTER  
13 Attorney for Plaintiff

14  
15 DEMAND FOR JURY TRIAL

16 COMES NOW Plaintiff and demand a jury trial on all issues of facts raised  
17 herein.

18 RESPECTFULLY SUBMITTED this 20th day of April, 2016.

19  
20 PROCTER LAW, PLLC

21 22 By: 

23 VERONICA A. PROCTER  
24 Attorney for Plaintiff